

March 19, 2004

The Honorable Joseph B. Meyer  
Secretary of State  
State Capitol  
Cheyenne, WY 82002

RE: House Bill 0018 – House Enrolled Act 62

Dear Secretary Meyer:

I have, today, vetoed House Enrolled Act 62 (original House Bill 0018).

The proposed legislation mandates the creation of at least one and up to five pilot projects to compensate private landowners for forage and habitat used by wildlife. Payment options vary from an animal unit monthly basis to acreage prices. The animal unit month attributable to wildlife would be compensated to the landowner at the average value of an A.U.M. for private leases. Three hundred thousand dollars is appropriated for fiscal years 2005 and 2006. However, the pilot projects do not terminate until January 1, 2009 – so further appropriations can be anticipated. At the end of the five years, but no later than May 1, 2009, the Wyoming Game and Fish Department is to report “... recommendations for statutory changes concerning compensation for wildlife damages to the legislature...”

The following concerns prevent me from approving this legislation:

1. Whether in the form of landowner licenses or cash payments, the adoption of a general policy to compensate landowners for wildlife forage and habitat use is a drastic departure from our existing “extraordinary damage” payment approach. According to the 2003 Annual Report of the Wyoming Game and Fish Department, in 2002 there were 439,977 pronghorn, 93,506 elk, 484,700 mule deer, and 10,077 moose in Wyoming for a total population of 1,028,260. The expense of a policy shift towards general forage and habitat compensation should be fully evaluated before we proceed with proposals such as House Bill 0018.

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2. This legislation is essentially the same program as the landowner license program which has previously been rejected by the public. Instead of payment in the form of hunting licenses, the legislation appropriates dollars for payment.
3. This is neither a hunters' access proposal nor a compensation study proposal. The language with regard to the hunter access is entirely optional, i.e. "the project may require a . . . minimum number of hunter days of access. . . ." The legislation does not direct a study of the compensation issue – it only requires a report at the end of five years.

Based on numerous conversations with various proponents of this legislation, the damage payment provision of Wyo. Stat. § 23-1-901 may not be addressing the problems as they exist on the ground. It is my understanding that in July of 2003, the Game and Fish Commission expanded its rule to provide a more discretionary application of the statute.

Best regards,

Dave Freudenthal  
Governor

DF:bjw

c: The Honorable April Brimmer Kunz  
The Honorable Fred Parady  
Legislative Service Office